

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Tameka Jackson,

Plaintiff,

—v—

Carolyn W. Colvin, Acting Commissioner of  
Social Security,

Defendant.

13-cv-5655 (AJN)(SN)

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

ALISON J. NATHAN, District Judge:

Before the Court is Magistrate Judge Sarah Netburn's Report and Recommendation ("Report" or "R&R") dated June 11, 2014, Dkt. No. 14, addressing the parties' respective motions for summary judgment on the pleadings. Judge Netburn concluded that Plaintiff's motion should be granted in part and denied in part, and that Defendant's motion should be granted in part and denied in part. The Court presumes familiarity with the factual and procedural background of this case as set forth in Judge Netburn's Report.

District courts may designate magistrate judges to hear and determine certain dispositive motions and to submit proposed findings of fact and a recommendation as to those motions. 28 U.S.C. § 636(b)(1). Any party wishing to object to a magistrate judge's report and recommendation must do so within fourteen days after being served with a copy of the report and recommendation. *Id.* If a party submits a timely objection to a report and recommendation, the district court reviews *de novo* those portions to which the party objected. *Id.*; *see also Norman v. Astrue*, 912 F. Supp. 2d 33, 39 (S.D.N.Y. 2012). Otherwise, "[w]here no 'specific written objection' is made, the district court may adopt those portions 'as long as the factual and legal basis supporting the findings and conclusions set forth . . . are not clearly erroneous or contrary to law.'" *Norman*, 912 F. Supp. 2d at 39 (quoting *Eisenberg v. New England Motor Freight*,


*Inc.*, 564 F. Supp. 2d 224, 226-27 (S.D.N.Y. 2008)). Because neither party filed an objection to Judge Netburn's Report here, the Court reviews her entire Report for clear error.

Upon review of Judge Netburn's thorough and well-reasoned Report, this Court finds no clear error. Therefore, Judge Netburn's Report is adopted in its entirety as the opinion of the Court. *See, e.g., Beller v. Astrue*, No. 12 CV 5112 (VB), 2013 U.S. Dist. LEXIS 79541, at \*2-3 (S.D.N.Y. June 5, 2013). As stated in Judge Netburn's Report, Plaintiff's motion to remand the case to the Commissioner is GRANTED for proper application of the treating physician rule and further development of the record, but is DENIED in all other respects. Similarly, Defendant's cross-motion is DENIED insofar as the application of the treating physician rule is concerned, but is GRANTED in all other respects.

The Clerk of Court is directed to enter judgment and close this case. The Court also finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith.

SO ORDERED.

Dated: Sept 3, 2014  
New York, New York

  
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ALISON J. NATHAN  
United States District Judge